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Letter dated 5 August 2003 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I have the honour to forward herewith a statement issued yesterday by the Government of Rwanda on the proposal for the appointment of a separate Prosecutor for the International Criminal Tribunal for Rwanda (see annex).

I would be grateful if you would have this statement circulated as a document of the Security Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

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Annex to the letter dated 5 August 2003 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Statement on the proposal for the appointment of a separate Prosecutor for the International Criminal Tribunal for Rwanda

4 August 2003

The Government of Rwanda welcomes the decision of the Secretary-General of the United Nations to recommend to the Security Council that separate prosecutors be appointed for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia.

The proposal vindicates the Government of Rwanda, which has advocated the establishment of separate prosecutors for these two tribunals since the creation of the International Criminal Tribunal for Rwanda in 1994.

The Government of Rwanda has for many years expressed concerns about the performance of the International Criminal Tribunal for Rwanda.

The concerns of the Government of Rwanda have been with respect to the Tribunal in general and the Office of the Prosecutor of the International Criminal Tribunal for Rwanda in particular.

These concerns include the very slow pace of trials; the failure of the International Criminal Tribunal for Rwanda to indict and apprehend large numbers of prominent genocide suspects still at large; gross mismanagement within the various organs of the International Criminal Tribunal for Rwanda; incompetence of personnel, admitted by both the Prosecutor and other organs of the United Nations, arising from recruitment practices based on nepotism; corruption and other abuses such as fee-splitting between genocide suspects on trial, defence lawyers, investigators and other employees of the Tribunal; mistreatment of and lack of protection for prosecution witnesses; the hiring of genocide suspects as Tribunal staff or members of defence teams, and the failure of the Tribunal in general to have any impact on Rwandan society in the spirit of Security Council resolution 955 (1994), by which the International Criminal Tribunal for Rwanda was established.

With regard to the Office of the Prosecutor in particular, the Government of Rwanda has always been concerned about the inefficiency and ineffectiveness arising from the separate geographical locations of various branches of the Office and general neglect of the Rwanda aspect of the mandate of the Office of the Prosecutor, which is illustrated by the fact that the Prosecutor spends no more than 30 days or so in Kigali and Arusha in any one year and devotes most of her time and attention to the International Tribunal for the Former Yugoslavia.

The Government of Rwanda would urge the members of the Security Council not only to approve the proposal for the appointment of separate prosecutors for the two Tribunals, but to also consider other necessary reforms, which would make the International Criminal Tribunal for Rwanda more efficient and accountable. These reforms should in the long term also advance the process of international justice and ensure that it is made more meaningful and relevant to the people of Rwanda in general and victims of genocide in particular.

Considering that the completion strategy of the International Criminal Tribunal for Rwanda already envisages the transfer of the bulk of the cases of persons indicted by the Tribunal to Rwanda's domestic courts, the Government of Rwanda calls upon the members of the Security Council to consider, for example, whether the time may not now be appropriate to alter the statute of the International Criminal Tribunal for Rwanda with a view to transforming the International Criminal Tribunal for Rwanda to a "Sierra Leone" type of international court or transferring the cases of persons indicted or yet to be indicted by the International Criminal Tribunal for Rwanda to special chambers of Rwanda's domestic courts.

To this end, the Government of Rwanda calls upon the members of the Security Council to organize, as soon as possible, a debate to consider a comprehensive review of the performance, mandate and future of the International Criminal Tribunal for Rwanda.